

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ANWAR RANDLE, et al.,**

**Plaintiffs,**

**v.**

**JAMES DAVIDSON, et al.,**

**Defendants.**

**Case No. 08-cv-856-DRH**

**ORDER**

**HERNDON, Chief Judge:**

This comes before the Court as a matter of case management to correct an oversight made in the Court's February 22, 2010 Report and Recommendations ("R&R") (Doc. 58). Due to the fact that the certificate of service on the Motion for Summary Judgment (Doc. 43) showed service made only as to plaintiff Randle, the Court remained unaware that defendants Vitale and Parker had subsequently properly served copies of their Motion for Summary Judgment on all remaining Defendants (*see* Notice at Doc. 53). Therefore, while the Court's ruling in the R&R pertained to plaintiffs Randle and Crum, it failed to address the arguments regarding summary judgment as to plaintiffs Dismuke and Chabitch.

As such, the Court rules to hereby **REINSTATE** defendant Vitale and Parker's Motion for Summary Judgment (Doc. 43) as to plaintiffs Dismuke and

Chabitch only and **DIRECTS** Judge Frazier to issue another R&R pertaining specifically to plaintiffs Dismuke and Chabitch. However, the Court first **ALLOWS** plaintiffs Dismuke and Chabitch additional time to respond to the Motion for Summary Judgment (Doc. 43) for the Court's consideration before it issues the second R&R. Thus, plaintiffs Dismuke and Chabitch must file their Responses to the Motion for Summary Judgment (Doc. 43) by **June 1, 2010**.

**IT IS SO ORDERED.**

Signed this 10<sup>th</sup> day of May, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**